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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

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18 MARY JENNINGS HEGAR, JENNIFER
19 HUNT, ALEXANDRA ZOE BEDELL,
20 COLLEEN FARRELL, AND SERVICE
WOMEN'S ACTION NETWORK,
21 Plaintiffs,
22 vs.
23 ASHTON B. CARTER, Secretary of Defense,
24 Defendant.

Case No. 12-CV-06005 EMC
**STIPULATED REQUEST AND
[PROPOSED] ORDER FOR
CONTINUANCE OF FURTHER CMC and
UPDATED CMC STATEMENT**

Judge: Hon. Edward M. Chen

Case Management Conference: Mar. 10, 2016
Time: 10:30 a.m.

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1 Plaintiffs Mary Jennings Hegar, Jennifer Hunt, Alexandra Zoe Bedell, Colleen Farrell and
 2 Service Women's Action Network and Defendant Ashton B. Carter, Secretary of Defense
 3 ("Secretary") (collectively, "the parties"), by and through their respective counsel, submit this
 4 Stipulated Request and Proposed Order for a continuance of the deadline for the parties' updated
 5 joint Case Management Conference (CMC) Statement to April 17, 2016, and further CMC to
 6 April 24, 2016. The joint CMC Statement is currently due March 3, 2016, and the further CMC is
 7 currently scheduled for March 10, 2016. The parties submit that the following facts and
 8 circumstances set forth in the attached Declaration of counsel for Defendant Caroline Lewis
 9 Wolverton establish good cause for the requested continuance as follows:

10 1. On November 20, 2015, the Court scheduled a further CMC in this matter for February
 11 18, 2016. ECF No. 67. The Court directed that, for the further CMC, Defendant should provide
 12 specific information as to the nature and status of accession, training and assignment policies. On
 13 February 9, 2016, based on a stipulated request for continuance made by Defendant's counsel, the
 14 Court rescheduled the further CMC to March 10, 2015. ECF No. 72.

15 2. On December 3, 2015, the Secretary of Defense announced his "determin[ation] that no
 16 exceptions are warranted to the full implementation of the rescission of the '1994 Direct Combat
 17 Definition and Assignment Rule'" and that "[a]nyone, who can meet operationally relevant and
 18 gender neutral standards, regardless of gender, should have the opportunity to serve in any
 19 position." See <http://www.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>. The
 20 Secretary further directed the Secretaries of the Military Departments and the Chiefs of the
 21 Military Services to submit final, detailed implementation plans for the opening of all military
 22 occupational specialties, career fields, and branches for accession by women for approval no later
 23 than January 1, 2016, and to begin to execute their approved plans as soon as practicable but no
 24 later than April 1, 2016. *Id.* The Services and Special Operations Command have all submitted
 25 their implementation plans for the Secretary's review and approval. Defendant expects that once
 26 approved, the implementation plans will be made publicly available.

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1 3. Defendant's counsel denied Plaintiffs' request for copies of the implementation
 2 plans submitted by the Services and Special Operations Command. Defendant's position is that
 3 prior to approval by the Secretary the plans are deliberative, subject to revision, and for those
 4 reasons not releasable.

5 4. In the course of preparing for the further CMC, it became apparent to Defendant
 6 that "specific information as to the nature and status of accession, training and assignment
 7 policies" referenced in the Court's November 20, 2015 Minute Order will likely be set forth in the
 8 implementation plans and thus available after April 1, 2016, the date by which it is expected that
 9 approved implementation plans will be available publicly.

10 5. Accordingly, Defendant expects he will be able to provide more information about the
 11 nature and status of accession, training and assignment policies if the CMC and Updated Joint
 12 CMC Statement deadline are continued until after April 1, 2016. Plaintiffs do not oppose
 13 Defendants' request for a continuance of the March 10, 2016 CMC, but Plaintiffs remain
 14 concerned and frustrated by the continuing delays, both in the implementation process and in the
 15 provision of the "specific information as to the nature and status of accession, training and
 16 assignment policies" referenced in the Court's November 20, 2015 Minute Order. These
 17 continued delays only reinforce Plaintiffs' concern that, as stated in our November 13, 2015 CMC
 18 statement, it will be years from now before we see *actual* implementation of the Secretary's
 19 January 24, 2013 decision to rescind the ban on women in combat positions, which was
 20 supposedly "effective immediately." Plaintiffs nevertheless recognize that a CMC at this time
 21 may not serve any meaningful purpose. For that reason, and because Defendant expects to be able
 22 to provide the approved implementation plans for the Services and Special Operations Command
 23 to Plaintiffs shortly after April 1, 2016, Plaintiffs agree that it would be appropriate to continue the
 24 CMC to April 24.

25 6. Defendant disagrees with Plaintiffs' suggestion that the time during which the Secretary
 26 is reviewing the implementation plans represents delay in the process of integrating previously
 27 closed positions and MOSSs. As the Secretary explained in his December 3, 2015 Memorandum,
 28 the plans are part of "the continuation of a deliberate, methodical, evidence-based, and iterative

1 process that ensures combat effectiveness and protects the welfare of the force.” See
2 <http://www.defense.gov/Portals/1/Documents/pubs/OSD014303-15.pdf>. The Court should reject
3 attempts by Plaintiffs to pressure the Secretary to rush the integration process at the risk of
4 jeopardizing its success.

5 7. In light of the foregoing, the parties respectfully request that the Court continue the
6 further CMC to April 21, 2016, or any date convenient for the Court thereafter except between
7 April 22-29, and the parties’ updated joint CMC Statement to seven (7) days before the date set
8 for the CMC.

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10 DATED: March 3, 2016

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Acting United States Attorney
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Chief, Civil Division
ANTHONY J. COPPOLINO
Deputy Branch Director

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19 DATED: March 3, 2016

/s/ Caroline Lewis Wolverton
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U.S. Department of Justice
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21 By: /s/ Rosemarie T. Ring
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5 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

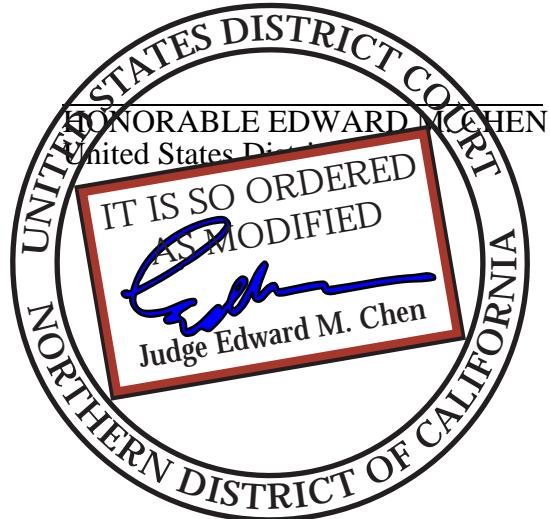
6 I, Caroline Lewis Wolverton, am the ECF User whose identification and password are
7 being used to file this Stipulated Request and [Proposed] Order for Continuance of Further Case
8 Management Conference and Updated Case Management Statement. In compliance with General
9 Order 45.X.B, I hereby attest that all signatories have concurred in this filing.

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11 /s/ *Caroline Lewis Wolverton*
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1 **[PROPOSED] ORDER**

2 Pursuant to the stipulated request, and based on good cause shown, it is hereby
3 ORDERED that the Stipulated Request for Continuance of Further Case Management
4 Conference and Updated Case Management Statement is hereby GRANTED; and it is further
5 ORDERED that the Further Case Management Conference is hereby CONTINUED to
6 April 24, 2016; and it is further
7 ORDERED that the deadline for the parties' Updated Joint CMC Statement is
8 CONTINUED to April 17, 2016, May 5, 2016 at 10:30 a.m.

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10 Dated: _____



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